

III. REMARKS

Claims 1-35 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-35 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Tyler *et al.* (U.S. Patent No. 5,523,942), hereafter "Tyler."

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); see MPEP ' 2131, p. 2100-70. With regard to the 35 U.S.C. §102(b) rejection over Tyler, Applicants assert that Tyler does not teach each and every feature of the claimed invention. Accordingly, the Office has failed to prove a *prima facie* case of anticipation, and Applicants request withdrawal of the rejection.

For example, with respect to independent claims 1, 9, 14, 15, 21, 26, 27 30 and 32, Applicants submit that Tyler fails to teach a venture company wherein the venture company comprises a new business entity that is seeking a relationship with an existing business entity. The Office equates the venture company of the claimed invention with the insurance company of Tyler. Final Office Action, page 2, paragraph 2-a). However, Tyler never teaches that the insurance company comprises a *new* business entity. The Office counters by attempting to

equate the new business entity of the claimed invention with the new product lines of Tyler. Final Office Action, page 3. However, product lines are not business entities (e.g., corporations) but rather, groups of products that may be offered by a business entity. Furthermore, a product line cannot seek a relationship with an existing business entity. In contrast, the claimed invention includes "...a venture company...wherein the venture company comprises a new business entity that is seeking a relationship with an existing business entity." Claim 1. As such, the venture company of the claimed invention is not merely a generic company as is the insurance company in Tyler, but instead comprises a new business entity that is seeking a relationship with an existing business entity. Furthermore, the new business entity is a business entity that is seeking a relationship with an existing business entity and not merely a product line as in Tyler. For the above reasons, the venture company as included in the claimed invention is not equivalent to the insurance company in Tyler. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 9, and 14, Applicants respectfully submit that Tyler also fails to teach entering the information provided by the venture company about the venture company into a database. As stated above, the Office equates the venture company of the claimed invention with the insurance company of Tyler. Final Office Action, page 2, paragraph 2-a). The Office then cites a passage of Tyler that teaches "the person who is entering the information on the design grid is usually an agent of an insurance company or an administrative support person, and is often called the producer." Col. 5, lines 63-65. However, the information of Tyler that is entered by the person is "...information about the person for whom the policy is being designed." Col. 5, lines 60-61. To this extent, the passage of Tyler

cited by the Office describes entering information about the client and does not describe entering information provided by the insurance company about the insurance company. The present invention, in contrast, includes "...providing venture information from the venture company pertaining to the venture company [and] entering the venture information into a database having a column-row matrix of records." Claim 1. As such, the entered venture information of the claimed invention is from the venture company pertaining to the venture company and not merely information about the person for whom the policy is being designed entered by an agent of the insurance company as in Tyler. Furthermore, the information of the claimed invention is not merely for a generic customer as in Tyler, but is instead from a venture company and pertaining to the venture company. For the above reasons, the entering of the venture information of Tyler is not taught by the entry of information of Tyler. Accordingly, Applicants request that the rejection be withdrawn.

With further respect to independent claims 1, 9, 26, 27 and 30 and with respect to dependent claims 18, 24 and 35, Applicants respectfully submit that Tyler also fails to teach querying a row of the database to provide a single record of relationship information pertaining to the venture company even if the single record of relationship information is not located in a specified row and column of the database. The passage of Tyler cited by the Office teaches "the person who is entering the information on the design grid is usually an agent of an insurance company or an administrative support person, and is often called the producer." This passage describes the person who enters the information and not the information itself. Furthermore, the passage relates to data entry and not to querying a row of the database. Still further, nowhere in the passage or elsewhere does Tyler teach that querying may provide a single record even if the

single record is not located in a specified row and column of the database. Elsewhere, Tyler teaches a design grid that "can be a matrix of rows and columns that conditionally appear based on the type of product and component data entered." Col. 6, lines 11-13. However, the cited passage never specifies that the conditional appearance of the rows and columns of the design grid of Tyler is the result of a query by row to provide a single record or that the query returns the single record even if the single record is not located in the row and column of the database specified in the query.

The claimed invention, in contrast, includes "...querying a row of the database to provide a single record of relationship information pertaining to the venture company even if the single record of relationship information is not located in a specified row and column of the database."

Claim 1. As such, the database of the claimed invention does not merely conditionally appear as do the rows and columns of the design grid in Tyler, but is instead queried by row to provide a single record of relationship information pertaining to the venture company. Furthermore, the single record of the claimed invention is produced by querying a row of the database and not merely by data entry as in Tyler. Still further, the single record of relationship information of the claimed invention is provided even if it is not located in the specified row and column of the database. For the above reasons, the querying of the claimed invention is not taught by the data entry or the conditionally appearing of Tyler. Accordingly, Applicants request that the rejection be withdrawn.

With further respect to independent claim 14 and with respect to dependent claims 7, 12, 16, 22 and 33, Applicants respectfully submit that Tyler also fails to teach evaluating the scoring data to determine whether to form a business relationship with the venture company. Instead,

Office cites the passage "a function of the design grid is to collect data from a user (typically, an agent or a producer) which is required to generate a proposal. However, the passage never specifies that the data is scoring data, that the data is evaluated, or that the result of the evaluation is a determination of whether to form a business relationship with a venture company, only that it is required (e.g., the name of the company may be required but is neither scoring data nor evaluated). Furthermore, as recited previously in the same paragraph, even though the data may be collected from a user, the data consists of "information about the person for whom the policy is being designed." Col. 5, lines 60-61. The claimed invention, in contrast, includes "...evaluating the scoring data to determine whether to form a business relationship with the venture company." Claim 1. As such, the evaluating of the claimed invention is not merely some unspecified requirement for generating a proposal as in Tyler, but instead involves evaluating the scoring data to determine whether to form a business relationship with a venture company. Furthermore, unlike Tyler in which the data consists of information about the person for whom the policy is being designed, the scoring data of the claimed invention is based on the venture information. Thus, the evaluating of the claimed invention is not taught by the requirement of Tyler. Accordingly, Applicants request that the rejection be withdrawn.

With further respect to independent claims 9, 26 and 30 and with respect to dependent claims 5, 18, 24, 28 and 35, Applicants respectfully submit that Tyler also fails to teach duplicating the single record from a first column of the queried row to a second column of the queried row. The Office asserts that Fig. 5, element 202 teaches this feature. Office Action, page 7. However, the name field (element 202) in the table referred to by the Office does not contain duplicate records, but instead each entry is different (e.g., Proposal #4, Proposal #3,

Proposal #2). Fig 5. Nowhere does Tyler teach in this figure or elsewhere a single record from a first column of the queried row is duplicated to a second column of the queried row. In contrast, the claimed invention includes "...duplicating the single record from a first column of the queried row to a second column of the queried row." Claim 9. As such, the single record from a first column of the queried row is not merely a new value as in Tyler, but is instead duplicated to a second column of the queried row. Thus, the single record of the claimed invention is not equivalent to the name field of Tyler. Accordingly, Applicants request that the rejection be withdrawn.

With respect to dependent claims 4 and 11, Applicants respectfully submit that Tyler also fails to teach that each row of the matrix corresponds to a separate venture company, and wherein each column of the matrix corresponds to a separate time interval. The Office asserts that elements 204 and 205 of Fig. 5 teach this feature. Office Action, page 5. However, the insured field (element 204) and date field (element 205) referred to by the Office both are illustrated as columns in the cited figure, and not one as a row and the other as a column. Fig. 5. Nowhere does Tyler teach in this figure or elsewhere that each row corresponds to a separate venture company and each column corresponds to a separate time interval. In contrast, the claimed invention includes "...the each row of the matrix corresponds to a separate venture company, and wherein each column of the matrix corresponds to a separate time interval." Claim 4. Thus, the insured field and date field of Tyler that are both columns do not teach the separate venture company rows and separate time interval columns of the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims listed above. In addition, Applicants submit that all defendant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: September 21, 2005


John A. Merecki
Reg. No.: 35,812

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew